

105TH CONGRESS  
1ST SESSION

# H. R. 1966

To expand the definition of “special Government employee” under title 18,  
United States Code.

---

## IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 1997

Mr. HORN (for himself, Mrs. MALONEY of New York, Mr. DAVIS of Virginia, Mr. BAKER, Mr. ENGLISH of Pennsylvania, Mr. MICA, and Mr. SESSIONS) introduced the following bill; which was referred to the Committee on the Judiciary

---

## A BILL

To expand the definition of “special Government employee”  
under title 18, United States Code.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Special Government  
5       Employee Act of 1997”.

1 **SEC. 2. AMENDMENT TO DEFINITION OF “SPECIAL GOV-**  
2 **ERNMENT EMPLOYEE”.**

3 (a) AMENDMENT TO SECTION 202(a).—Subsection  
4 (a) of section 202 of title 18, United States Code, is  
5 amended to read as follows:

6 “(a) For the purpose of sections 203, 205, 207, 208,  
7 and 209 of this title the term ‘special Government em-  
8 ployee’ shall mean—

9 “(1) an officer or employee as defined in sub-  
10 section (c) who is retained, designated, appointed, or  
11 employed in the legislative or executive branch of the  
12 United States Government, in any independent  
13 agency of the United States, or in the government  
14 of the District of Columbia, and who, at the time of  
15 retention, designation, appointment or employment,  
16 is expected to perform temporary duties on a full-  
17 time or intermittent basis for not to exceed one hun-  
18 dred and thirty days during any period of three hun-  
19 dred and sixty five consecutive days;

20 “(2) a part-time United States commissioner;

21 “(3) a part-time United States magistrate;

22 “(4) an independent counsel appointed under  
23 chapter 40 of title 28 and any person appointed by  
24 that independent counsel under section 594(c) of  
25 title 28;

1 “(5) a person serving as a part-time local rep-  
2 resentative of a Member of Congress in the Mem-  
3 ber’s home district or State; and

4 “(6) a Reserve officer of the Armed Forces, or  
5 an officer of the National Guard of the United  
6 States, who is not otherwise an officer or employee  
7 as defined in subsection (c) who is—

8 “(A) on active duty solely for training  
9 (notwithstanding section 2105(d) of title 5);

10 “(B) serving voluntarily for not to exceed  
11 one hundred and thirty days during any period  
12 of three hundred and sixty five consecutive  
13 days; or

14 “(C) serving involuntarily.”.

15 (b) AMENDMENT TO SECTION 202(c).—Subsection  
16 (c) of 202 of title 18, United States Code, is amended  
17 to read as follows:

18 “(c) The terms ‘officer’ and ‘employee’ in sections  
19 203, 205, 207 through 209, and 218 of this title shall  
20 include—

21 “(1) an individual who is retained, designated,  
22 appointed or employed in the United States Govern-  
23 ment or in the government of the District of Colum-  
24 bia, to perform, with or without compensation and  
25 subject to the supervision of the President, the Vice

1 President, a Member of Congress, a Federal judge  
2 or an officer or employee of the United States or of  
3 the government of the District of Columbia, a Fed-  
4 eral or District of Columbia function under author-  
5 ity of law or an Executive act. As used in this sec-  
6 tion, a Federal or District of Columbia function  
7 shall include, but not be limited to—

8 “(A) supervising, managing, directing or  
9 overseeing a Federal or District of Columbia of-  
10 ficer or employee in the performance of such of-  
11 ficer’s or employee’s official duties;

12 “(B) providing regular advice, counsel, or  
13 recommendations to the President, the Vice  
14 President, a Member of Congress, or any Fed-  
15 eral or District of Columbia officer or employee,  
16 or conducting meetings involving any of those  
17 individuals, as part of the Federal or District of  
18 Columbia government’s internal deliberative  
19 process; or

20 “(C) obligating funds of the United States  
21 or the District of Columbia;

22 “(2) a Reserve officer of the Armed Forces or  
23 an officer of the National Guard of the United  
24 States who is serving voluntarily in excess of one

1       hundred and thirty days during any period of three  
2       hundred and sixty-five consecutive days; and

3               “(3) the President, the Vice President, a Mem-  
4       ber of Congress or a Federal judge only if specified  
5       in the section.”.

6       (c) NEW SECTION 202(f).—Section 202 of title 18,  
7       United States Code, is amended by adding at the end the  
8       following:

9       “(f) The terms ‘officer or employee’ and ‘special Gov-  
10      ernment employee’ as used in sections 203, 205, 207  
11      through 209, and 218, shall not include enlisted members  
12      of the Armed Forces, nor shall they include an individual  
13      who is retained, designated or appointed without com-  
14      pensation specifically to act as a representative of a non-  
15      Federal (or non-District of Columbia) interest on an advi-  
16      sory committee established pursuant to the Federal Advi-  
17      sory Committee Act or any similarly established committee  
18      whose meetings are generally open to the public. The non-  
19      Federal interest to be represented must be specifically set  
20      forth in the statute, charter, or Executive act establishing  
21      the committee.”.

○